

SN. 10/797,923

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**REMARKS**

Applicant respectfully requests that the foregoing amendments be made prior to examination of the present application, and respectfully requests reconsideration of the present application in view of the foregoing amendments and the reasons that follow.

This amendment adds, changes and/or deletes claims in this application. More particularly, claims 7 and 8 have been amended to depend from allowable claim 6 and to correct a typographical error. No new issue requiring further search is necessitated by these amendments, and therefore their entry is respectfully requested. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Claims 1-13 are pending and subject to restriction. Claims 6-9 are now in *prima facie* condition for allowance. Claims 10-13 are claims for a method of manufacturing a device as in claims 6-9, and claim 10 has been amended to depend from claim 1. Therefore, they now must be examined in the present application, under the doctrine set forth in *In re Ochiai*.

Claims 1-5 are rejected under Section 102(b) based on Nishizawa *et al.* (US 5,663,582). Claims 1-5 have been canceled without prejudice or disclaimer in order to allow early issuance of claims 6-13.

Claims 4, 7 and 8 are rejected under Section 102(b) based on Onishi *et al.* (2001/0028083). Claims 4, 7 and 8 have been canceled without prejudice or disclaimer in order to allow early issuance of claims 6-13.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

If there are any problems with this response, Applicant's attorney would appreciate a telephone call. In view of the foregoing, it is believed none of the references, taken singly or in

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combination, disclose the claimed invention. Accordingly, this application is believed to be in condition for allowance, the notice of which is respectfully requested.

Respectfully submitted,

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DATE

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